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**From:** Griffin, Mark

**Sent:** Friday, December 29, 2023 2:40 PM

**To:** Racine, Karl <karl.racine@hoganlovells.com>; Timothy Mygatt <Timothy.Mygatt@usdoj.gov>

**Cc:** Wilhelm, Abby Jae <abby.wilhelm@hoganlovells.com>; Fitzgerald, Patricia M. (USAOHN) <Patricia.Fitzgerald2@usdoj.gov>; Thomas, Delante <dthomas3@clevelandohio.gov>; Anderson, Leigh Ph.D <LAnderson2@clevelandohio.gov>; Drummond, Dornat <ddrummond@clevelandohio.gov>; Todd, Dorothy <DTodd@clevelandohio.gov>; Carney, Brian <BCarney@clevelandohio.gov>; Johnson, Carlos <CJohnson2@clevelandohio.gov>

**Subject:** Access to Unredacted Documents -- Need for Clarifying Order

Karl and Tim,

The City would like to jointly approach Judge Oliver to request an order or other guidance clarifying that the Monitoring Team and the Department of Justice shall have unredacted access to all City criminal records, including criminal records otherwise protected by federal or state law (e.g. CJIS/LEADS protected information).

The City believes that the MT/DOJ should have access to unredacted law enforcement documents relevant to the Consent Decree. Much of this information is relevant to the City's compliance and progress under the Consent Decree.

However, federal and state law limit access to many of these documents for only specifically-permitted purposes. Accessing protected documents without a criminal justice purpose can have serious consequences. See, e.g. R.C. 2913.04.

Because of the ambiguity of these statutes, the City is pausing direct computer access to unredacted files in IA Pro and Evidence.com (and related files). As we have done with other files, the City will continue to provide redacted files as quickly as possible. It is my understanding that this has been an adequate – but not optimal – solution. But it is time-intensive and inserts unnecessary delays.

The City would prefer to not be required to redact documents. It is more efficient and more collaborative for the MT and DOJ to be provided direct access with the approval of Judge Oliver or other appropriate authority.

We would like to find a time to discuss these issues at your earliest convenience.

Best Regards,

Mark

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